SUMMARY REPORT SUBJECT: COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

239642

05 December 1997 07 January 1998 T

INSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED, SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

FROM INVESTIGATOR'S NAME
Grace L. Wilson

RANK STAR NO. SOCIAL SEC. NO. EMPLOYEE NO. UNIT ASSIGN.
113

REFERENCE NOS. (LIST ALL RELATED C.P., C.B., I.R., INVENTORY NOS, ETC., PERTINENT TO THIS INVESTIGATION)

with the same	INCIDENT				DATE OF IN	ICIDENT	TIME	BEAT OF	INCIDEN	IT LOC.	ATION COD
					30 Aug	97	2130	1	223		17
NAME				RANK	STAR NO.	soci	AL SEC. NO	EMPLOY	EE NO.	UNI	T ASSIG
1.				Civ							146
2. Rol	pert Poholik			PO	10721					1	012
3.						T.					
	E D.O.B.	DATE OF		MENT	DUTY STAT	US (TIM	E OF INCIDEN	1) 🔲 swo	RN	*HY1	s. 0
1. M/H	57	07 Ap	r 93		ON D	JTY	S OFF DUTY	/ El civi	LIAN	COD	01
2. M/W	66	29 Ju	n 92		жД он в	YTY	OFF DUT	⊠ swo			0.1
з.					□ 0N D(		OFF DUTY		ILIAN		
IF APPLIEZ	LULE - DATE ARRESTED/INDICTED	CHARGES				cou	RT BRANCH	DISPOSITIO	N & DATE	-	
2.				_		-					
з.	11						I TE COLONIE		13.334		
		ADDRESS*	*		CITY	STATE	TELEPHONE	sex/race M/H	D,O,E./#	AGE 51	PHYS.
3. NAME	James Williamson #				CITY	STATE	TELEPHONE		D,O.8./#		COND.
a. NAME			t 012		CITY	STATE	TELEPHONE	M/H	D.O.B./#	51 age	COND.

\* SEE REVERSE SIDE FOR CODES, INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.
\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

Sgt. James Williamson, Star #1866, Unit 012, contacted the Office of Professional Standards on 30 August 1997 at 2235 hours and registered a complaint with Inv. Wilmouth, Star #82, on behalf of the complainant, who is assigned to Unit 146. Sgt. Williamson, Star #1866, also is a complainant in this investigation. Sgt. Williamson alleged that on 30 August 1997 at approximately 2130 hours or thereabout, during the course of arrest at 1) refused to leave the area during a parcotics investigation when asked to do so and struggled during his arrest. It is further alleged that told Officers Scott Martin and Robert Poholik, 2) "I'll have your jobs. You don't know who your fucking with".

CPD-44.112 (Rev. 3/84)

ONS

239642

#### INSTRUCTIONS

## AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8½ x 11 INCH WHITE PAPER.

#### 1. ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

(Summarize the allegation) No. 1 No. 2 (Summarize the allegation)

#### 2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand coner. The Complaint Register number must also be entered on the lower right hand corner of each attachment. Following are examples of attachments and the sequence in which they may be numbered (EXAMPLES ONLY). Attachments:

Trace and the contract of the	No. 1	Complaint	Against	Department	Member
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Letter of complaint from victim No. 2

No. 3 Statement of victim

Statement of witness (give name) No. 4

No.5 Report of member (give name)

Statement of member (give name) No. 6

No. 7 Progress report of investigator (give name) Copy of certified letter to complainant No. 8

No. 9 Copy of Alcoholic Influence Report (accused)

No. 10 General Offense Case Report, R.D.

No. 11 Injury on Duty Report (give name of injured)

## 3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

### 4. FINDINGS

Each allegation must be classified as either of the following:

Unfounded - Exonerated - Not Sustained - Sustained.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded

Allegation No. 1. Sustained - Violation of Rule 12, Failure to wear the uniform as prescribed, in that on 27 Feb 84 the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the

investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded Allegation No. 2. Not Sustained

> Other violation: Sustained - Violation of Rule 26, Failure to provide the Department with a current address and telephone number, in that the accused related in his statement that he had moved and obtained a new telephone number and he had failed to provide this information to the Department.

#### SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY

IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report. Refer to the General Order entitled "Complaint and Disciplinary Procedures."

## 5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation.

- Examples: 1. Violation noted, no disciplinary action warranted.
  - 2. That the accused member be reprimanded.
  - 3. That the accused member be suspended for\_ (not to exceed 30 days).
  - 4. That the accused member be separated from the Department.
- 6. DATE INITIATED: (Date complaint was received for investigation)
- 7. DATE COMPLETED: (Date of this report)
- 8. ELAPSED TIME: (Total time, expressed in days)

-	(Investigator)					
Rank	Na	me	Star No.		Unit	

## 9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44-113) by completing the Investigator Section.

## I.A.D. LOCATION CODES

06

07

- 01 Food Sales/Restaurant Public Transportation Veh./Facility 02 Tavern/Liquor Store Park District Property 12 03 Other Business Establishment 13 Airport
- 04 Police Building Public Property - Other 05 Lockup Facility 15 Other Private Premise
  - Police Maintenance Facility 16 Expressway/Interstate System CPD Automotive Pound Facility 17
- Public Way Other Waterway, Incl. Park District 80 Other Police Property 18 09 Police Communications System Private Residence
  - Court Room

#### I.A.D. PHYSICAL CONDITION CODES

- No Visible Injury Apparently Normal No Visible Injury Under Influence 01
- 02
- Injured, Not Höspitalized 03
- 04 Injured, Not Hospitalized - Under Influence 05 Injured, Hospitalized
- Injured, Hospitalized Under Influence 06
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

## ADDITIONAL COMPLAINANTS:

PO Robert Poholik, #10721, Unit 012

PO Scott Martin, #16449, Unit 012

ALLEGATIONS (Continued)

alleged that during his arrest on 30 August 1997 at approximately 2130 hours, while in the vicinity of Officer Robert Poholik, Star #10721, Unit 012, 1) threw him to the ground and 2) slapped him on the face while inside the squad car. It is further alleged that Officer Poholik 3) slapped inside the district station and while at Officer Poholik 4) physically mistreated by punching him during his arrest.

## **EVIDENCE/ATTACHMENTS:**

- Face Sheet
- 2. Initiation Report
- Crime Scene Processing Report

3A-3E. Photos of taken by an Evidence Technician

- 4. Arrest Report or
- Lockup Screening Log for
- Reguest for Interview with
- Notification of Charges/Allegations for
- 8. Administrative Proceedings Rights for
- 9. Waiver/Request to Secure Counsel for
- 10. Notification of Charges/Allegation for
- 11. Administrative Proceedings Rights for
- 12. Statement of
- Message from
- Arrest Report for
- 14A. Lockup Screening Log for
- 15. Letter Sent to
- 16. Postal Receipt for letter sent to
- Сапvass
- 18. Request for Evidence Identification Photographs
- 19. Case Report RD (Delivery of a Controlled Substance)
- 20. Arrest Report for

Statement of

54.

# EVIDENCE/ATTACHMENTS (Continued)

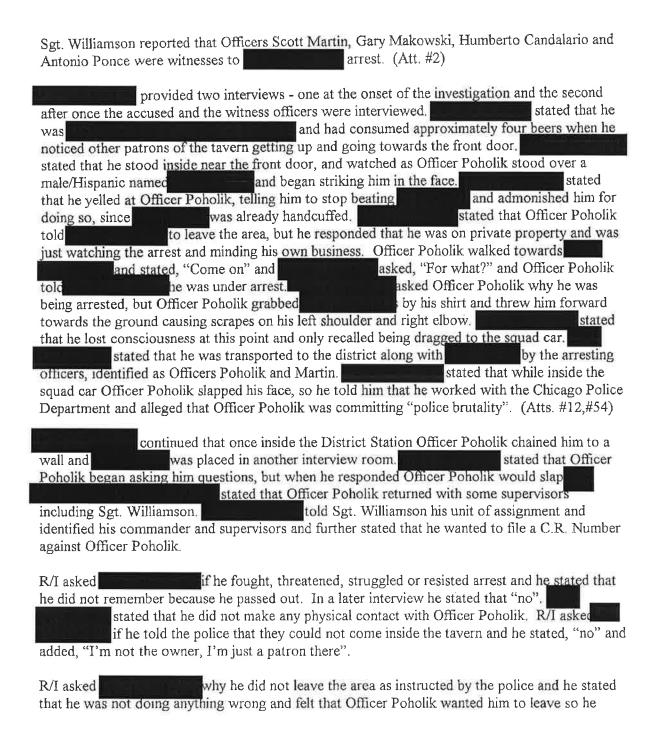
20A.	Lockup Screening Log
21.	Arrest Report for
21A.	Lockup Screening Log
22.	To/From from Inv. III C. Smith, RE: Attempt to contact witnesses
22A.	To/From from Inv. II G. Wilson
23.	Letter Sent to
24.	Letter Sent to Letter
25.	Oral Interview with
26.	To/From from Inv. III C. Smith
27.	Returned Letter Sent to
28.	Postal Receipt signed by
29.	Request for Interview
30.	Request for Interview
31.	Request for Interview
32.	Request for Interview
33.	Request for Interview
34.	Request for Interview
35.	Fax Message
36.	Notification of Charges for PO Robert Poholik, #10721, 012th District
37.	Administrative Proceedings Rights for PO Robert Poholik, Star #10721, 012th District
38.	Request/Waiver of Counsel for PO Robert Poholik, Star #10721, 012th District
39.	Fax Message
40.	Fax Message
41.	Statement of Officer Gary Makowski
42.	Fax Message
43.	Fax Message
44.	Statement of Officer Scott Martin
45.	Statement of Officer Humberto Candelario
46.	Statement of Officer Jean Borja
47.	Statement of Officer Antonio Ponce
48.	Notification of Charges/Allegations for Officer Robert Poholik
49.	Administrative Proceedings Rights for Officer Robert Poholik
50.	Statement of Officer Robert Poholik
51.	Oral Interview with
52.	Notification of Charges/Allegations for
52	Administrative Proceedings Pights for

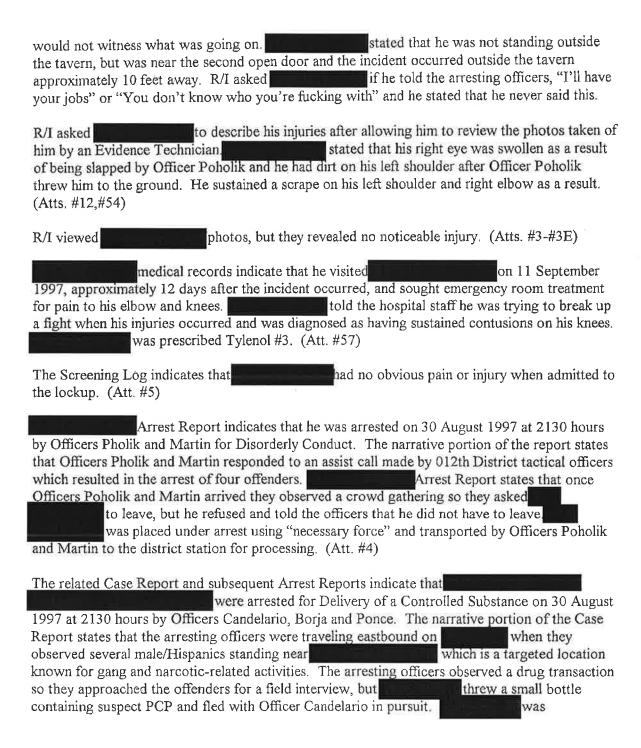
EVIDENCE/ATTACHMENTS	(Continued)
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55.	Disclosure of Information Form
56.	Message
57.	Request for Medical Records
58.	Medical Records
59.	Court Sheet
60.	Investigator's Case Log

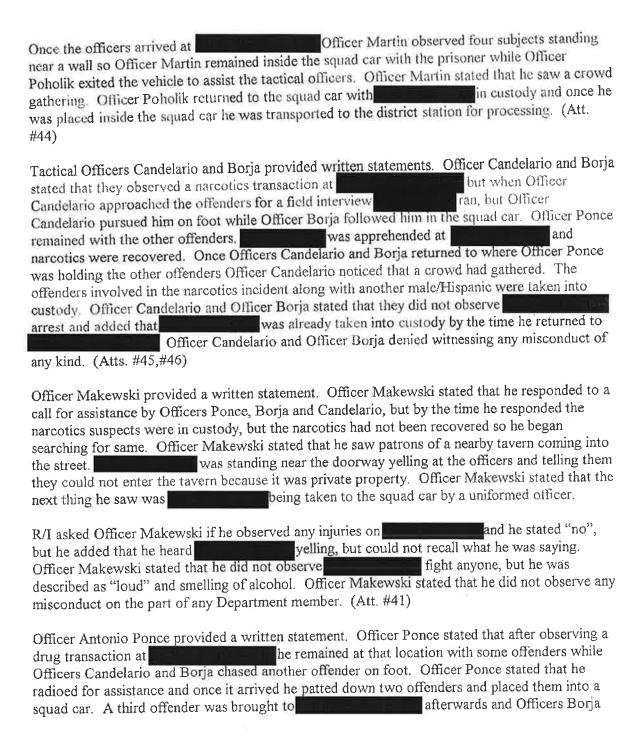
## INVESTIGATION:

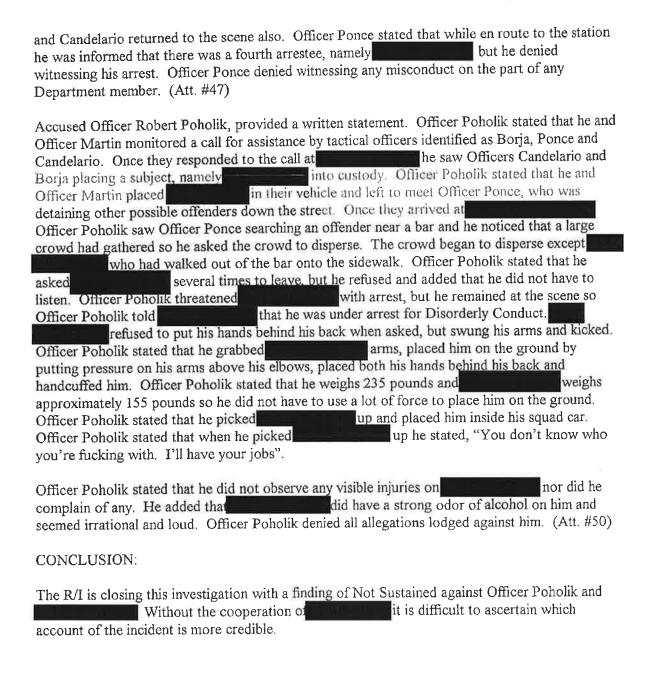
Sgt. Williamson, Star #1866, Unit 012, contacted the Office of Professional Standards on 30 August 1997 at 2235 hours and registered a complaint with Inv. Wilmouth, Star #82, on behalf of the complainant, who is assigned to Unit 146. In made various allegations of physical abuse against Officer Robert Poholik, which abuse allegedly occurred during arrest. (Att. #2)
Sgt. Williamson further reported that he was on the scene of witnessed same. Sgt. Williamson reported that stepped from a bar during a narcotics investigation where a large crowd had gathered. Tactical officers at the scene had radioed for assistance and Officer Poholik and his partner, Officer Scott Martin, responded. Sgt. Williamson reported that was asked numerous times to leave the area, but refused and was subsequently placed under arrest. began to struggle with Officer Poholik and was placed on the ground and handcuffed. was transported to the 012th district by Officers Poholik and Martin and charged with Disorderly Conduct. (Att. #2)
Sgt. Williamson reported that while inside the 012th District informed Officers Poholik and Martin that he was a Police Department employee so Sgt. Williamson interviewed told him. Sgt. Williamson stated that told him that he should not have been arrested because he was just trying to see what was going on and added that the arresting officers had no right to make him leave the area. Told Sgt. Williamson that Officer Poholik threw him to the ground and slapped him on his face at the scene of arrest and that once inside the 012th District Station Officer Poholik slapped him on both sides of his face numerous times while he was handcuffed to a wall. (Att. #2)
Sgt. Williamson stated that he did not witness Officer Poholik commit any misconduct during arrest. Sgt. Williamson stated that struggled briefly with Officer Poholik who placed him into a squad car.





apprehended and detained. Officer Borja recovered the bottle. Officer Candelario told Officer Ponce to detain for Delivery of a Controlled Substance. (Atts. #14,#19,#20,#21)
The Arrest Reports of indicate that were arrested for Delivery of a Controlled Substance and were transported to the District Station by Officers Candelario, Borja and Ponce while was arrested for Possession of a Controlled Substance and was also transported by Officers Candelario, Borja and Ponce. (Atts. #14,#20,#21)
Several attempts were made to contact the but these attempts were met with negative results.
provided a brief oral telephone interview.  1997 he was arrested with and a man known only to him as refused to provide any details surrounding his arrest, except to say that arrested by three male/Hispanic officers dressed in plainclothes, who just walked up to them and placed them in handcuffs. Stated that were driven to the station together following their arrest, but was transported by another squad car. Stated that once inside the station he and stated that he never saw abused in his presence at the scene of arrest and had nothing further to add. (Att. #25)
bike when he saw had consumed a beer and was intoxicated. stated that he saw several officers approaching him and was afraid because he was on probation for theft and did not want to be arrested. stated that he ran, but decided to stop since he had not committed any crime. stated that a male plainclothes officer told him to get on the ground and he complied stated that he was dizzy and could not recall whether or not the officer was white or Hispanic. stated that he felt something hit him on the head and he was placed in a squad car and taken by himself to the station. Once at the station he saw along with other arrestees. stated that he did not witness anyone else's arrest. stated that he was not injure during the incident. (Att. #51)
Officer Scott Martin, the officer who arrested stated that he and Officer Poholik were on routine patrol when they monitored a call for assistance by members of the tactical team. They went to and placed the subject, later identified as inside their squad car and brought him to where the rest of the tactical team was located





## FINDINGS:

Allegations #1-#2

NOT SUSTAINED against

Unit 146

Allegations #1-#4

NOT SUSTAINED against Officer Robert Poholik, Star #10721,

Unit 012

DATE INITIATED:

2 September 1997

DATE COMPLETED:

5 December 1997

ELAPSED TIME:

94 Days

Investigator Grace Wilson, Star #64

APPROVED:

O.P.S. Supervisor James Henry, Star #104

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